

USCHER, QUIAT, USCHER & RUSSO
A Professional Corporation
433 Hackensack Avenue, 2nd Floor
Hackensack, NJ 07601
201-342-7100
Attorneys for Plaintiff
Edward A. Friedman

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDWARD A. FRIEDMAN,

Civil Action No. 07cv9620-SHS-AJP

Plaintiff,

ECF CASE

vs.

PRUDENTIAL INSURANCE COMPANY
OF AMERICA,

NOTICE OF MOTION
FOR
SUMMARY JUDGMENT

Defendant.

Jeremy Blumenfeld, Esq.
Katrina Miltich Langston, Esq.
Morgan, Lewis & Bockius, LLP
1701 Market Street
Philadelphia, PA 19103-2921
Phone 215-963-5000
Attorneys for Defendant,
Prudential Insurance Company of America

PLEASE TAKE NOTICE that upon the annexed Local Rule 56.1 Statement of Uncontested Facts, Affidavit of Michael E. Quiat and Memorandum of Law in support thereof, Plaintiff Edward A. Friedman by and through the undersigned attorneys Uscher, Quiat, Uscher & Russo, P.C., shall move this Court at the United States District Court, for the Southern District of New York, 500 Pearl Street, New York, NY, pursuant to Rule

56 Fed. R. Civ. Pro. granting to Plaintiff Summary Judgment with respect to the causes of action set forth in the Complaint, more specifically as follows:

1. Ordering, adjudging and decreeing that the decision of the Defendant Prudential to deny Plaintiff long term disability benefits is not based on substantial evidence, and is hereby reversed;

2. Ordering, adjudging and decreeing that Plaintiff is totally disabled within the meaning of Prudential Policy No. DG-90754-NY, and has been since at least August 6, 2006;

3. Ordering, adjudging and decreeing that Defendant shall immediately place Plaintiff on claim, effective August 6, 2006, and shall forthwith pay to Plaintiff all back benefits due from said date, with interest, and continue to pay benefits monthly to Plaintiff thereafter, as required by the terms of the said policy; and

4. Granting such other and further relief as to this Court may seem just and proper.

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Hackensack, NJ 07601
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Dated: April 15, 2008

By: /s/ Michael E. Quiat
MICHAEL E. QUIAT (MEQ-8238)
Attorneys for Plaintiff
Edward A. Friedman